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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
10

11 JONATHAN PELTZ and KATHLEEN  
12 GALLAGHER,

13 Plaintiffs,

14 v.

15 CITY OF LOS ANGELES, a municipal  
16 entity; CHIEF MICHEL MOORE, a  
public entity, and DOES 1 through 10,  
inclusive,

17 Defendants.  
18  
19  
20  
21

Case No. 2:22-CV-03106-HDV(AGRx)

**OPPOSITION TO PLAINTIFFS'  
MOTION IN LIMINE NO. 3 TO  
EXCLUDE CERTAIN PORTIONS  
OF JON PELTZ'S MEDICAL  
RECORDS**

**REDACTED VERSION OF  
DOCUMENT PROPOSED TO BE  
FILED UNDER SEAL**

Hearing:

Date: April 24, 2025  
Time: 10:00 a.m.  
Ctrm.: 5B

22 **I. INTRODUCTION AND STATEMENT OF FACTS**

23 This lawsuit arises from a protest that occurred on March 25, 2021 near Echo  
24 Park. After numerous acts of unlawful and assaultive conduct by protesters against  
25 police officers occurred, the protest was declared an unlawful assembly. Several  
26 amplified orders were given to the crowd to disperse, including specific directions to  
27 journalists such as Plaintiffs. Plaintiffs heard the orders but they did not obey.

28 After sufficient time had passed for persons to comply with the LAPD's

1 dispersal order, the officers made the decision to detain and arrest those persons who  
2 refused to leave the area. (*See* Cal. Pen. Code § 409.) Plaintiffs were among the  
3 persons who were lawfully detained and arrested. Plaintiffs were detained for a few  
4 hours before being released.

5 Plaintiff Peltz claims that, as a result of Defendant's actions, he suffers from  
6 paranoia, anxiety, and PTSD. During discovery, Peltz untimely produced partial and  
7 redacted medical records which indicate that there are several other factors that have  
8 contributed to his longstanding and ongoing emotional issues. Peltz now seeks to  
9 exclude this relevant evidence.

## 10 **II. ARGUMENT**

### 11 **A. Plaintiff did not Meet and Confer Regarding the Specific Aspects** 12 **of His Medical Records that Plaintiff Seeks to Exclude From Trial** 13 **and Plaintiff's Proposed Redactions Outlined in Red Go Far** 14 **Beyond the Issues He Raised in His Motion in Limine Brief**

15 Plaintiff Peltz raises in his motion five issues that he contends must be  
16 excluded: 1) family history, 2) alcohol habits, 3) mention of the conflict in Gaza, 4)  
17 psychotherapy records from several years (more than five) prior to the incident, and  
18 5) consideration of filing an unrelated lawsuit. In the meet and confer process that  
19 preceded this motion, Plaintiff did not identify any of these categories of  
20 information or otherwise identify any specific aspect of Plaintiff Peltz's medical  
21 records that Plaintiff believes should be excluded from trial. Plaintiff's motion  
22 should be denied for this reason alone.

23 Additionally, Plaintiff represents that he made proposed redactions in support  
24 of his motion. Plaintiff's proposed redactions, however, go far beyond these five  
25 subjects. For example, Plaintiff also redacted information regarding: [REDACTED]

26 [REDACTED]  
27 [REDACTED] (though redacted inconsistently), and several other topics and  
28 comments. Plaintiff also did not meet and confer regarding these additional

1 proposed redactions, and he makes no argument as to why these additional proposed  
2 redactions should be excluded from trial. On that basis alone, the Court should deny  
3 these unaddressed proposed redactions.

4 **B. Defendant Is Entitled To Inquire About Alternative Sources Of**  
5 **Emotional Distress Because Plaintiff Peltz Is Claiming Mental**  
6 **Injury And Emotional Stress As A Result Of Defendant’s Alleged**  
7 **Misconduct**

8 In support of his motion, Plaintiff cites only to general case law that relates to  
9 the Rules of Evidence at issue in Plaintiff’s motion. He fails to cite cases that  
10 specifically address and support his arguments. The omission is telling. Courts have  
11 *routinely* held that a defendant is entitled to present evidence about alternative  
12 sources of emotional distress when a plaintiff is claiming that he or she is  
13 experiencing mental injury and/or emotional stress as a result of the defendant’s  
14 alleged misconduct and that these alternative sources include mental health histories  
15 and substance use. *Peraza v. Delameter*, 722 F.2d 1455, 1457 (9th Cir. 1984)  
16 (finding the trial judge did not abuse discretion by admitting evidence prejudicial to  
17 the plaintiff when it was relevant to his claim for damages to, among other things,  
18 his psyche, which the plaintiff alleged he sustained as a result of police conduct);  
19 *Conan v. City of Fontana*, 2017 WL 8941499, at \*7 (C.D. Cal. Oct. 6, 2017, No.  
20 EDCV 16-1261-KK) (denying motion in limine to exclude the plaintiff’s prior drug  
21 use and finding drug use “will be relevant to the issue of emotional damages”);  
22 *Morris v. Long*, 2012 WL 1498889, at \*4 (E.D. Cal., Apr. 27, 2012, No. 1:08-CV-  
23 01422-AWI) (denying the plaintiff’s motion in limine to exclude evidence of his  
24 mental health hospitalization and medical history because the plaintiff attributed  
25 emotional distress to the defendant’s misconduct and finding the plaintiff’s “mental  
26 health and medical histories may contain evidence to controvert the claim that [the  
27 plaintiff’s] emotional injuries were caused by [the d]efendant . . . Accordingly, the  
28 Court finds the probative value of evidence of [the p]laintiff’s mental health and

1 medical history substantially outweighs the danger of unfair prejudice . . .”); *Tobias*  
2 *v. City of Los Angeles*, 2018 WL 9669923, at \*9 (C.D. Cal., Dec. 7, 2018, No. CV  
3 17-1076 DSF (ASX)) (finding that if the plaintiff claimed he suffered emotional  
4 distress at trial, the defendants may present evidence that there were alternate  
5 sources of stress that caused this damage [including the plaintiff’s “psychological  
6 disorders and state, past trauma, and drug and alcohol abuse”] and reaching this  
7 holding despite the plaintiff’s representations that he did not intend to offer  
8 psychotherapy records or a mental health expert in support of his damages claim);  
9 *Peck v. County of Orange*, 2023 WL 11195794, at \*3 (C.D. Cal., May 22, 2023, No.  
10 CV194654DSFAFMX) (finding the defendants may present evidence of other  
11 factors that may have contributed to the plaintiff’s emotional distress, including the  
12 plaintiff’s medical condition because “[e]vidence that a plaintiff’s emotional distress  
13 may have been caused by other stressors in the plaintiff’s life is admissible, even if  
14 such evidence is relevant only to emotional distress damages and not to liability.  
15 ‘The case law recognizes that a plaintiff claiming emotional distress opens the door  
16 to evidence of other probable causes of [his or] her distress.’”) (quoting *Barten v.*  
17 *State Farm Mut. Auto. Ins. Co.*, No. CV-12-00399-TUC-CKJ, 2015 WL 1111147, at  
18 \*2 (D. Az. June 17, 2015)); *Ioane v. Spjute*, 2016 WL 4524752, at \*6 (E.D. Cal.  
19 Aug. 29, 2016, No. 1:07-CV-0620 AWI EPG) (“An alternate source of emotional  
20 distress is relevant.”) (citation omitted); *Luna v. Cnty. of Los Angeles*, 2008 WL  
21 11410093, at \*5 (C.D. Cal. Sept. 25, 2008, No. CV 07-04715 SJO (JCx)) (“By  
22 claiming damages on account of emotional distress, a plaintiff makes evidence of  
23 ‘other probable causes’ of such distress relevant to the litigation.”) (collecting  
24 cases); *Naff v. State Farm General Insurance Company*, 2016 WL 4095948, at \*3  
25 (E.D. Cal., Aug. 2, 2016, No. 1:15-CV-00515-JLT) (denying motion in limine  
26 because the defendant was entitled to present an “alternative cause for the plaintiffs’  
27 emotional distress”); *Castillo v. City of Los Angeles*, 2021 WL 8895084, at \*5 (C.D.  
28 Cal. Dec. 13, 2021, No. 2:20-CV-04257-JAK-JC) (permitting discovery of “prior

1 arrests/convictions, interactions with/other alleged mistreatment by law enforcement  
2 officers, and drug use” as relevant to “whether Plaintiff’s asserted emotional distress  
3 damages were all caused by Defendants’ alleged actions or whether other events not  
4 attributable to Defendants caused or contributed to causing such damages”).

5 C. The Topics Plaintiff Peltz Wishes to Exclude Are Highly Relevant  
6 To His Claim For Emotional Damages and Defendant Would Be  
7 Prejudiced If This Evidence is Excluded.

8 Defendant should be allowed to present evidence of other factors that have  
9 contributed to Plaintiff Peltz’s emotional distress, especially here, where the  
10 treatment records indicate the March 25, 2021 Incident was not a notable source of  
11 emotional distress for Peltz.

12 While Peltz claims that Defendant’s actions on March 25, 2021 caused him  
13 paranoia from police, anxiety, and PTSD, [REDACTED]

14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]. See Plaintiffs’ Ex. 1. Further, Peltz  
18 testified that his mental health treaters did not find that his pre-existing anxiety or  
19 paranoia increased due to the Incident. Ex. A at 127:17-128:3. Nor did they opine  
20 that he developed PTSD as a result of the Incident. *Id.*

21 Based on Peltz’s *own comments* to his mental health treaters, [REDACTED]

22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
28 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 **1. Peltz’s Family History**

18 Defendant does not object to the exclusion of Peltz’s family’s mental health  
19 diagnoses. However, Peltz’s descriptions of h [REDACTED]  
20 [REDACTED], as reflected in  
21 his treatment records, and are therefore relevant under the authority cited above.  
22 Plaintiff does not support his contention that the probative value of this evidence is  
23 substantially outweighed by a danger unfair prejudice against him or even identify  
24 the claimed unfair prejudice.

25 **2. Peltz’s Drinking Habits**

26 Plaintiff seeks to exclude reference to his drinking. However, based on the  
27 treatment records including Peltz’s own comments, [REDACTED]

28 [REDACTED] Courts have repeatedly

1 held that substance abuse may be introduced as an alternative source of stress when  
2 a plaintiff is claiming emotional distress as a result of defendants' actions. *See*  
3 *Tobias*, 2018 WL 9669923, at \*9; *Conan*, 2017 WL 8941499, at \*7, *Castillo*, 2021  
4 WL 8895084, at \*5.

### 5                   **3.       Mentions of Gaza**

6           Plaintiff states in his brief that he wishes to exclude mention of Gaza, yet his  
7 redactions cover much more and seek to exclude strife with family members.  
8 Regardless, sensitive topics such as prior arrests and drug abuse have been allowed  
9 when they speak to alternative sources of emotional distress. Plaintiff presents no  
10 reason why this topic should be treated differently.

### 11                   **4.       Medical History from Several Years Prior to the Incident**

12           Plaintiff argues that all mention of medical history from five years prior to the  
13 incident or greater should be excluded from trial. This would mean that mention of  
14 Plaintiff's [REDACTED]  
15 [REDACTED], would be excluded even though this medical history is highly  
16 relevant because Plaintiff is claiming these conditions (or aggravation of the existing  
17 conditions) were caused by the Incident. Plaintiff's prior mental health state serves  
18 as a comparison to his current mental health state when determining the emotional  
19 harm that was caused by Defendant's actions. Further, Plaintiff fails to mention that  
20 he did not undergo mental health care for several years prior to the Incident, i.e.  
21 reference to prior mental health care would necessarily have to date back several  
22 years. Courts have denied motions in limine seeking to exclude mental health  
23 history and diagnoses when a plaintiff claims defendant's actions caused emotional  
24 distress. *See Tobias*, 2018 WL 9669923; *Morris*, 2012 WL 1498889 at \*4.

### 25                   **5.       Peltz's Consideration of Filing an Unrelated Lawsuit.**

26           One of Plaintiff's treatment records states [REDACTED]  
27 [REDACTED] Peltz claims that  
28 mention of a potential, unrelated lawsuit would inflame the passions of the jury



1 against him, but there is no support that this would be so incendiary. Further,  
2 Plaintiff's argument that there is "no other information about this situation" should  
3 not be considered because, for reasons stated below, Plaintiff wrongfully withheld  
4 his treatment records until after his deposition, precluding defense counsel from  
5 reviewing and asking questions about them. Lastly, the fact that Peltz was [REDACTED]

6 [REDACTED]  
7 [REDACTED]  
8 **D. Defendant Should Be Given The Opportunity To Question Peltz**  
9 **On The Impact These Factors Have On His Emotional State**

10 Defendant served discovery many months before Plaintiff Peltz's deposition.  
11 In his responses, Plaintiff did not disclose the names of his mental health treaters,  
12 despite a request for all medical treaters. Ex. B. Moreover, Plaintiff did not timely  
13 produce his mental health records, despite requests for documents in support of and  
14 relating to his claimed emotional harm and distress and medical records and bills for  
15 mental health treatment. Ex. C. Lastly, Plaintiff did not timely disclose the mental  
16 health conditions he now claims were caused by Defendant's (paranoia, anxiety,  
17 PTSD), despite a request for facts in support of his damages. Ex. B.

18 In other words, Defendant did not have any information before Peltz's  
19 deposition regarding his claimed mental health issues. *After* Peltz's deposition, he  
20 produced partial and redacted mental health records, and Defendant first became  
21 aware of the factors which Peltz now seeks to exclude. Because Defendant did not  
22 previously have these records, it could not question Peltz at deposition about any  
23 impact these factors have on his mental or emotional stress, as compared to the  
24 events on March 25, 2021. Peltz now claims that these factors are irrelevant and  
25 wishes to exclude them. Peltz cannot withhold discovery until after his deposition,  
26 precluding defense counsel from questioning him on these factors, and then claim  
27 these factors are completely irrelevant. *See Cervantes v. Zimmerman* (S.D. Cal.,  
28 Apr. 15, 2019, No. 17-CV-1230-BAS-NLS) 2019 WL 1598219, at \*6 ("It would be



1 unfair ... to permit a plaintiff claiming emotional distress to block discovery of facts  
2 that may shed important light on whether any emotional distress actually was  
3 suffered, ..., and whether any emotional distress was attributable, either in whole or  
4 in part, to circumstances other than the alleged conduct of the defendant.”) (quoting  
5 *Zakrzewska v. New School*, No. 06 Civ. 5463 (LAK), 2008 WL 126594, at \*2  
6 (S.D.N.Y. Jan. 7, 2008)). Defendant should be allowed to question Peltz on the  
7 impact these factors have on his emotional state.

8 **III. CONCLUSION**

9 Based on the foregoing, Defendant respectfully requests that Plaintiffs’  
10 Motion in Limine No. 3 be denied.

11  
12 Dated: April 17, 2025

BURKE, WILLIAMS & SORESENSEN, LLP

13  
14  
15 By: /s/ Kyle Anne Piasecki  
16 Charles E. Slyngstad  
17 Brian S. Ginter  
18 Kyle Anne Piasecki  
19 Attorneys for Defendant  
20 CITY OF LOS ANGELES

21 **CERTIFICATE OF COMPLIANCE**

22 The undersigned counsel of record for Defendants certifies that this brief  
23 contains 2,530 words, which complies with the word limit of L.R. 11-6.1.

1 Dated: April 17, 2025

BURKE, WILLIAMS & SORENSEN, LLP

2  
3 By: /s/ Kyle Anne Piasecki

4 Charles E. Slyngstad

5 Brian S. Ginter

6 Kyle Anne Piasecki

Attorneys for Defendant

CITY OF LOS ANGELES

# EXHIBIT A

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
3  
4 JONATHAN PELTZ and KATHLEEN )  
5 GALLAGHER, )  
6 Plaintiffs, ) 2:22-CV-03106-HDV (AGRx)  
7 v. )  
8 CITY OF LOS ANGELES, a )  
9 municipal entity; CHIEF )  
10 MICHEL MOORE, a public )  
11 entity, and DOES 1 through )  
12 10, inclusive, )  
13 Defendants. )  
14 \_\_\_\_\_ )

15 DEPOSITION OF JONATHAN PELTZ

16 VIA VIDEOCONFERENCE

17 WEDNESDAY, JANUARY 24, 2024

18  
19  
20  
21  
22  
23 Reported by: JEANNETTE CORREIA, CSR No. 10994

24 File No.: 15737

25 PAGES: 1 - 149

1 A They left their practice.

2 Q And did you say you found a replacement  
3 mental health treater?

4 A Yes. Last year.

5 Q When in 2022 did you start seeing someone?

6 A I'd have to look it up.

7 Q Do you have a general estimate of beginning  
8 of the year? middle? end of the year?

9 A I think it was beginning of the year.

10 Q And did you talk to them about the events of  
11 March 25 specifically?

12 A I can't recall if I ever talked directly  
13 about it. I may have said things more like I'm stressed  
14 about things I work on or my reporting work, but I don't  
15 know if I ever specifically -- I don't think I ever  
16 specifically spoke about the events of March 25th.

17 Q Okay. So did they ever determine in their  
18 professional opinions that your anxiety increased due to  
19 the events of March 25?

20 A No.

21 Q And did they ever determine in their  
22 professional opinion that you developed PTSD as a result  
23 of the events of March 25?

24 A No.

25 Q And did they ever determine in their

1 professional opinion that you developed paranoia around  
2 police as a result of the events around March 25?

3 A No.

4 Q Okay. Can I get the name of your treater  
5 that you started seeing in 2022?

6 A Could I look it up?

7 Q Yes. Yeah.

8 A His name is Kenneth D'Oyen.

9 Q Sorry. Did you say Kevin?

10 A Kenneth.

11 Q Kenneth. O-D?

12 A Sorry. It's D'O-y-e-n.

13 Q And what facility did he work for?

14 A LifeStance Health.

15 Q Life stands, s-t-a-n-d-s?

16 A S-t-a-n-c-e.

17 Q Stance.

18 And when did you start seeing a new treater?

19 A Looking it up. I believe October of last  
20 year.

21 Q And what's his name?

22 A Her name is Angela Goddard.

23 Q G-o-d-d-a-r-d?

24 A Yeah. Correct.

25 Q And who is she with?

REPORTER'S CERTIFICATE

I, JEANNETTE CORREIA, CSR No. 10994, Certified  
Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and statements  
made at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Dated this Twenty-Ninth day of January 2024



JEANNETTE CORREIA  
C.S.R. No. 10994



# EXHIBIT B

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JONATHAN PELTZ and KATHLEEN GALLAGHER

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

JONATHAN PELTZ and KATHLEEN  
GALLAGHER,

Plaintiff,

vs.

CITY OF LOS ANGELES, a  
municipal entity, CHIEF MICHEL  
MOORE, a public entity, and DOES 1  
through 10 inclusive,

Defendants.

Case No.: 2:22-cv-03106 HDV (AGRX)

[Assigned to the Honorable Hernán D.  
Vera - Courtroom 5B]

**PLAINTIFF JONATHAN PELTZ'S  
RESPONSES AND OBJECTIONS TO  
DEFENDANT CITY OF LOS  
ANGELES'S INTERROGATORIES  
(SET ONE)**

Complaint Filed:  
Trial:

May 9, 2022  
Sept. 24, 2024

1 requested level of detail. In addition, Plaintiff objects to this interrogatory because the  
2 information it seeks is equally available to Defendant. Without waiving these  
3 objections, Plaintiff responds as follows:

4 Plaintiff was standing in the middle of Lemoyne Street, between Park Avenue and  
5 Sunset Boulevard near Angelus Temple. Discovery is ongoing and Plaintiff reserves his  
6 right to supplement this response.

7 **INTERROGATORY NO. 2:**

8 Please IDENTIFY all PERSONS who have knowledge of where YOU were at the  
9 time of YOUR arrest in connection with the INCIDENT.

10 **RESPONSE TO INTERROGATORY NO. 2:**

11 Plaintiff objects to this interrogatory on the grounds that it is vague and  
12 ambiguous, including because it contains uncertain or undefined terms, such as “in  
13 connection with the INCIDENT.” Without waiving these objections, Plaintiff responds  
14 as follows:

15 Plaintiff has identified all persons he can presently recall who have or may have  
16 such knowledge in his Initial and Supplemental Rule 26 Disclosures. Should Plaintiff  
17 recall additional persons, he will further supplement his Rule 26 Disclosures  
18 accordingly. Discovery is ongoing and Plaintiff reserves his right to supplement this  
19 response.

20 **INTERROGATORY NO. 3:**

21 Please DESCRIBE WITH PARTICULARITY the events leading up to YOUR  
22 arrest in connection with the INCIDENT.

23 **RESPONSE TO INTERROGATORY NO. 3:**

24 Plaintiff incorporates the preliminary statement and general objections set forth  
25 above. Plaintiff objects to this interrogatory on the grounds that it is vague and  
26 ambiguous, including because it contains uncertain or undefined terms, such as “events,”  
27 “leading up to,” and “in connection with the INCIDENT.” In addition, Plaintiff objects  
28 to this interrogatory because the information it seeks is equally available to Defendant.

1 Without waiving these objections, Plaintiff responds as follows:

2 On the early evening of March 25, 2021, Plaintiff arrived near Echo Park Lake to  
3 report about a public demonstration protesting the LAPD's plan to forcibly remove  
4 dozens of unhoused people living in tents along the shores of the lake. Plaintiff was  
5 working (and still works) as a reporter, photographer, and videographer for Knock LA,  
6 an independent, nonprofit news website covering Southern California. Prior to  
7 March 25, 2021, Knock LA editors had assigned Plaintiff and Kate Gallagher to report  
8 on the demonstration and the events inside the park. Plaintiff was blocked from  
9 reaching the lake by a line of protestors, who were in turn blocked by a skirmish line of  
10 LAPD officers standing approximately 50 feet from the lake and blocking Lemoyne  
11 Street. Plaintiff stood on the Lemoyne Street sidewalk near Angelus Temple to observe  
12 and report about the protest and LAPD officers' actions for Knock LA. Plaintiff live  
13 tweeted photographs, videos, and information of the demonstration through his Twitter  
14 account. In addition, he was filming and interviewing participants and posting other  
15 updates on his social media accounts.

16 At approximately 5:30 p.m., LAPD directed the protestors to get off the corner of  
17 Echo Park & Lemoyne and LAPD officers established skirmish lines around the lake.  
18 Plaintiff saw social media posts from people who were not employed by LAPD stating  
19 that the LAPD had issued a dispersal order, but he did not hear any LAPD officer give a  
20 dispersal order. By around 7:30 p.m., a group of about 200 protestors had gathered on  
21 Lemoyne Street. The protestors were chanting, but Plaintiff did not witness any  
22 violence or unruly behavior. At approximately 7:45 p.m., Plaintiff heard LAPD officers  
23 say something on a loudspeaker but could not make out the contents of the message.

24 At approximately 8:10 p.m., Plaintiff heard LAPD officers say, "Members of the  
25 media and the National Lawyers Guild disperse now." Plaintiff did not hear the LAPD  
26 declare an unlawful assembly and did not observe any indication that anything criminal  
27 or violent was occurring in the existing assembly. Plaintiff, along with other journalists  
28 and photojournalists, stood on the sidewalk on Lemoyne Street behind the LAPD

1 skirmish line, several hundred feet from the lake. Plaintiff stayed out of the LAPD  
2 officers' way and did not interfere with their actions. Other journalists and  
3 photojournalists remained on the sidewalk. Protestors began to move away from the  
4 police, backwards from the lake and towards Sunset Boulevard.

5 In response, Plaintiff and the other journalists began walking towards the Sunset  
6 Boulevard side of Lemoyne Street and stood near Angelus Temple. At approximately  
7 8:20 p.m., a group of LAPD officers rushed out of an alley, blocking that side of  
8 Lemoyne Street so that no one could leave. The LAPD officers formed two skirmish  
9 lines and kettled Plaintiff, the other journalists, and protestors between the two skirmish  
10 lines of officers. Despite ordering the public to leave, LAPD officers kettled the  
11 protestors and journalists and prevented them from leaving the area. Plaintiff repeatedly  
12 identified himself as a member of the media and saw other reporters identify themselves  
13 as members of the media, but he was not allowed to pass. Plaintiff walked to the other  
14 side of Lemoyne Street and, again, identified himself as a member of the media and saw  
15 other reporters identify themselves as members of the media, but, again, he was not  
16 allowed to pass.

17 The LAPD officers became aggressive and began conducting mass arrests of the  
18 kettled protestors and journalists while firing "less lethal" munitions into the crowd.  
19 Plaintiff felt threatened and as though the officers were trying to intimidate him and the  
20 other journalists into leaving under threat of arrest, even though they had a constitutional  
21 right to continue reporting on the demonstration. When Plaintiff saw LAPD officers  
22 begin arresting members of the media, he contacted his editor Liam Fitzpatrick and told  
23 Mr. Fitzpatrick that he and Ms. Gallagher would likely be arrested.

24 LAPD officers pulled Plaintiff out of the crowd. Again, he identified himself as a  
25 member of the press. LAPD Officer Timothy Wolleck (Serial No. 35468) grabbed  
26 Plaintiff and sat him down on a stoop at the end of Lemoyne Street next to Los Angeles  
27 Times staff reporter James Queally. Plaintiff identified himself as a member of the press  
28 and was wearing Knock LA's red T-shirt with its white logo of a raised fist. Officer

1 Wolleck ignored Plaintiff, bound Plaintiff's wrists behind his back with plastic zip ties,  
2 patted him down, and confiscated his cell phone and other belongings. When Plaintiff  
3 asked Officer Wolleck the reason for his arrest, Officer Wolleck admitted that he did not  
4 know the reason. Plaintiff repeatedly told Officer Wolleck that he was a member of the  
5 press.

6 Officer Wolleck gave Plaintiff a card to fill out his personal information. One  
7 field on the card asked Plaintiff to state his profession. Once again, Plaintiff told Officer  
8 Wolleck that he was a member of the press. Officer Wolleck then took Plaintiff to Park  
9 Avenue to wait in line to board a bus that would take Plaintiff to jail, along with other  
10 members of the press who had been arrested. Plaintiff waited in line next to Kate  
11 Gallagher. An LAPD officer commented on the fact that Plaintiff and Ms. Gallagher  
12 were wearing matching shirts. Plaintiff replied, "We are both journalists for Knock  
13 LA." Plaintiff was among at least 14 journalists who were arrested or detained while  
14 documenting demonstrations near Echo Park Lake on March 25, 2021.

15 Plaintiff was forced onto the bus. The LAPD officers did not enforce COVID-19  
16 protocols on the buses. Many detainees were not wearing masks properly and were  
17 unable to properly mask due to being bound.

18 Plaintiff arrived at the LAPD's Metropolitan Detention Center at around 10:00  
19 p.m., where he remained in a cold garage, standing and with his hands zip tied behind  
20 his back until his release. Plaintiff's zip ties were too tight. He asked LAPD Officer  
21 Delano Hutchins (Serial No. 40288) to loosen his zip ties and told Officer Hutchins that  
22 his hands were numb. Officer Hutchins refused to loosen Plaintiff's zip ties. Plaintiff  
23 repeatedly complained about the tightness of the zip ties until, at least an hour later,  
24 another officer agreed to replace them.

25 LAPD officers released Plaintiff at 12:30 a.m. on March 26, 2021, about four  
26 hours after his unlawful arrest. During the incident, Plaintiff repeatedly stated that he  
27 was a member of the press. Knock LA also identified Plaintiff and Ms. Gallagher as  
28 journalists on its social media account. In addition, Mr. Queally of the Los Angeles

1 Times called for Plaintiff's release on social media. Despite all of this, Plaintiff was not  
2 allowed to leave the scene and no LAPD officer acknowledged Plaintiff's status as a  
3 member of the press.

4 Although Plaintiff and 181 others received citations for allegedly violating  
5 California Penal Code § 409 (failure to disperse) on March 25, 2021, Los Angeles City  
6 Attorney Michael Feuer stated his office would not press charges against any of them,  
7 stating, "These peaceful protesters did not threaten public safety and it would not be in  
8 the interest of justice to prosecute them." The LAPD has initiated twelve personnel  
9 complaints regarding its officers' conduct at the Echo Park Lake protests.

10 Defendants' conduct resulted in the violation of Plaintiff's rights and caused his  
11 damages. Plaintiff's arrest prevented him from reporting on the demonstration and  
12 performing his job as a journalist. Plaintiff seeks compensatory damages for his  
13 emotional, physical, and economic harms, punitive damages against the individually  
14 named defendants, and injunctive and declaratory relief.

15 Plaintiff incorporates by reference the allegations in his Second Amended  
16 Complaint. Discovery is ongoing and Plaintiff reserves his right to supplement this  
17 response.

18 **INTERROGATORY NO. 4:**

19 Please IDENTIFY all PERSONS who have knowledge of any fact stated in  
20 response to Interrogatory No. 3.

21 **RESPONSE TO INTERROGATORY NO. 4:**

22 Plaintiff objects to this interrogatory on the grounds that it is vague and  
23 ambiguous, including because it contains uncertain or undefined terms, such as  
24 "knowledge," requests a list of "all PERSONS" even though a more reasonable and  
25 limited inquiry would suffice to show the pertinent information requested, and seeks  
26 information that is equally available to Defendant. Without waiving these objections,  
27 Plaintiff responds as follows:

28 Plaintiff has identified all persons he can presently recall who have or may have



1 Please DESCRIBE WITH PARTICULARITY all facts in support of YOUR claim  
2 for negligence, as alleged in YOUR Second Amended Complaint.

3 **RESPONSE TO INTERROGATORY NO. 12:**

4 Plaintiff incorporates the preliminary statement and general objections set forth  
5 above. Plaintiff objects to this interrogatory on the grounds that it calls for a legal  
6 conclusion and is vague and ambiguous, including because it characterizes, instead of  
7 quoting, the claims in Plaintiff's Second Amended Complaint. Without waiving these  
8 objections, Plaintiff responds as follows:

9 Plaintiff incorporates by reference his response to Defendant's interrogatory no. 3.

10 **INTERROGATORY NO. 13:**

11 Please DESCRIBE WITH PARTICULARITY all facts in support of YOUR claim  
12 for false arrest/false imprisonment, as alleged in YOUR Second Amended Complaint.

13 **RESPONSE TO INTERROGATORY NO. 13:**

14 Plaintiff incorporates the preliminary statement and general objections set forth  
15 above. Plaintiff objects to this interrogatory on the grounds that it calls for a legal  
16 conclusion and is vague and ambiguous, including because it characterizes, instead of  
17 quoting, the claims in Plaintiff's Second Amended Complaint. Without waiving these  
18 objections, Plaintiff responds as follows:

19 Plaintiff incorporates by reference his response to Defendant's interrogatory no. 3.

20 **INTERROGATORY NO. 14:**

21 IDENTIFY all HEALTH CARE PROVIDERS who have provided you with  
22 treatment of any kind since the INCIDENT.

23 **RESPONSE TO INTERROGATORY NO. 14:**

24 Plaintiff incorporates the preliminary statement and general objections set forth  
25 above. Plaintiff objects to this interrogatory to the extent it seeks information that is  
26 protected by Plaintiff's right to privacy and the physician-patient and/or psychotherapist-  
27 patient privilege. In addition, Plaintiff objects that this interrogatory is overbroad  
28 because it seeks information about treatment "of any kind," without specifically seeking

1 treatment that has a relationship to the allegations in Plaintiff's operative complaint.  
2 Plaintiff further objects to the extent this interrogatory seeks an expert opinion and is,  
3 thus, premature. Without waiving these objections, Plaintiff responds as follows:

4 Dareen Khalaf, MD, Quick Stop Urgent Care, Quick Stop Urgent Care, 1445 N  
5 La Brea Ave, Los Angeles, CA 90028. Plaintiff will supplement these responses to  
6 identify additional relevant health care providers. Discovery is ongoing and Plaintiff  
7 reserves his right to supplement this response.

8 **INTERROGATORY NO. 15:**

9 DESCRIBE WITH PARTICULARITY all facts in support of the claims for  
10 damage YOU make in this action.

11 **RESPONSE TO INTERROGATORY NO. 15:**

12 Plaintiff incorporates the preliminary statement and general objections set forth  
13 above. Plaintiff objects to this interrogatory on the grounds that it calls for a legal  
14 conclusion. Without waiving these objections, Plaintiff responds as follows:

15 Plaintiff incorporates by reference his response to Defendant's interrogatory no. 3.

16 **INTERROGATORY NO. 16:**

17 IDENTIFY all DOCUMENTS that support YOUR claims for damage in this  
18 action.

19 **RESPONSE TO INTERROGATORY NO. 16:**

20 Plaintiff incorporates the preliminary statement and general objections set forth  
21 above. Plaintiff objects to this interrogatory on the grounds that it calls for a legal  
22 conclusion, is premature, in light of the early stage of discovery in this case, and is  
23 unduly burdensome. Without waiving these objections, Plaintiff responds as follows:

24 Plaintiff identifies P 0001 through P 0487. Discovery is ongoing and Plaintiff  
25 reserves his right to supplement this response.

26 **INTERROGATORY NO. 17:**

27 IDENTIFY all persons who YOU contend have knowledge of the facts that YOU  
28 contend support YOUR claims for damage in this action.

**VERIFICATION**

I am a plaintiff in the above-captioned matter. I am familiar with the contents of the foregoing  
**PLAINTIFF JONATHAN PELTZ'S RESPONSES AND OBJECTIONS TO DEFENDANT  
CITY OF LOS ANGELES'S INTERROGATORIES (SET ONE).** The information supplied  
therein is based on my own personal knowledge and/or has been supplied by my attorneys or other  
agents and is therefore provided as required by law. The information contained in the foregoing  
document is true, except as to the matters which were provided by my attorneys or other agents, and,  
as to those matters, I am informed and believe that they are true.

I declare under penalty of perjury under the laws of the California and of the United States that  
the foregoing is true and correct.

Executed on July 26, 2023 at Los Angeles, California.

A handwritten signature in black ink, appearing to read 'Jonathan Peltz', is written over a horizontal line.

Jonathan Peltz

# EXHIBIT C

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Attorneys for Plaintiffs  
JONATHAN PELTZ and KATHLEEN GALLAGHER

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

JONATHAN PELTZ and KATHLEEN  
GALLAGHER,

Plaintiff,

vs.

CITY OF LOS ANGELES, a  
municipal entity, CHIEF MICHEL  
MOORE, a public entity, and DOES 1  
through 10 inclusive,

Defendants.

Case No.: 2:22-cv-03106 HDV (AGRX)

[Assigned to the Honorable Hernán D.  
Vera - Courtroom 5B]

**PLAINTIFF JONATHAN PELTZ'S  
RESPONSES AND OBJECTIONS TO  
DEFENDANT CITY OF LOS  
ANGELES'S REQUESTS FOR  
PRODUCTION OF  
DOCUMENTS (SET ONE)**

Complaint Filed:  
Trial:

May 9, 2022  
Sept. 24, 2024

1 privilege, the attorney work product doctrine, or by any other protection afforded by law.  
2 Plaintiff further objects on the grounds that each document request seeks information  
3 which is protected by the right to privacy of Plaintiff and third parties as guaranteed  
4 under the California and the United States Constitutions, and as recognized by the  
5 federal courts. Finally, Plaintiff objects to these document requests to the extent they  
6 seek the information in the custody of, generated by, maintained by, or previously  
7 produced or disclosed by Defendants in this action.

8 Plaintiff does not waive these privileges and protections and does not intend to  
9 provide information protected by them. Any inadvertent production of protected  
10 information is not intended to waive any such privilege or protection as to any  
11 documents or information. Plaintiff objects to each document request to the extent that  
12 it purports to impose obligations upon him beyond those set forth in the Federal Rules of  
13 Civil Procedure. Plaintiff's responses are made pursuant to and as limited by the Rules  
14 of Civil Procedure.

15 Plaintiff's investigation and preparation for trial are not complete. He reserves the  
16 right to amend or supplement his responses to the extent dictated by his discovery of  
17 additional information and/or documents.

18 Counsel's signature below is for purpose of making the legal objections raised in  
19 these responses and for no other purpose.

### 20 **III. RESPONSES AND OBJECTIONS TO REQUEST FOR PRODUCTION**

#### 21 **REQUEST FOR PRODUCTION NO. 1:**

22 All DOCUMENTS that YOU contend support any of the damages YOU seek  
23 against the CITY, including, without limitation, any DOCUMENTS that RELATE TO  
24 the loss of income, earning capacity, physical injuries, and emotional harm that YOU  
25 allege in this lawsuit that YOU have suffered.

#### 26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 1:**

27 Plaintiff incorporates the preliminary statement and general objections set forth  
28 above. Plaintiff objects to this request on the grounds that it is vague and ambiguous,

1 including because it contains uncertain or undefined terms, such as “support.” Without  
2 waiving these objections, Plaintiff responds as follows:

3 Plaintiff will produce relevant, non-privileged documents to the extent they exist  
4 and are located within Plaintiff’s custody, possession, or control after a reasonable  
5 search. Discovery is ongoing and Plaintiff reserves his right to supplement this  
6 response.

7 **REQUEST FOR PRODUCTION NO. 2:**

8 All DOCUMENTS that RELATE TO any medical services that YOU have  
9 received from any HEALTH CARE PROVIDER to treat the physical injuries and  
10 emotional distress that YOU allege in this lawsuit that YOU have suffered.

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 2:**

12 Plaintiff incorporates the preliminary statement and general objections set forth  
13 above. Plaintiff objects to this request on the grounds that it is vague and ambiguous,  
14 including because it contains uncertain or undefined terms, such as “medical services.”  
15 In addition, Plaintiff objects to this request to the extent it seeks information that is  
16 protected by Plaintiff’s right to privacy and the physician-patient and/or psychotherapist-  
17 patient privilege. Plaintiff further objects to the extent this request seeks an expert  
18 opinion and is, thus, premature. Without waiving these objections, Plaintiff responds as  
19 follows:

20 Plaintiff will produce relevant, non-privileged, responsive documents to the extent  
21 they exist and are located within Plaintiff’s custody, possession, or control after a  
22 reasonable search. Discovery is ongoing and Plaintiff reserves his right to supplement  
23 this response.

24 **REQUEST FOR PRODUCTION NO. 3:**

25 All DOCUMENTS that constitute medical records, notes, prescriptions, or bills  
26 created by any HEALTH CARE PROVIDER that RELATE TO YOUR contention in  
27 this lawsuit that YOU suffered physical injuries and emotional distress.

28 ///



1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 3:**

2 Plaintiff incorporates the preliminary statement and general objections set forth  
3 above. Plaintiff objects to this request on the grounds that it is vague and ambiguous,  
4 including because it contains uncertain or undefined terms, such as “notes.” In addition,  
5 Plaintiff objects to this request to the extent it seeks information that is protected by  
6 Plaintiff’s right to privacy and the physician-patient and/or psychotherapist-patient  
7 privilege. Plaintiff further objects to the extent this request seeks an expert opinion and  
8 is, thus, premature. Without waiving these objections, Plaintiff responds as follows:

9 Plaintiff will produce relevant, non-privileged, responsive documents to the extent  
10 they exist and are located within Plaintiff’s custody, possession, or control after a  
11 reasonable search. Discovery is ongoing and Plaintiff reserves his right to supplement  
12 this response.

13 **REQUEST FOR PRODUCTION NO. 4:**

14 All DOCUMENTS reflecting or RELATING TO any amounts YOU paid for  
15 medical care, medications or any other medical treatment that are RELATED TO YOUR  
16 contention in this lawsuit that YOU suffered from physical injuries and emotional  
17 distress.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

19 Plaintiff incorporates the preliminary statement and general objections set forth  
20 above. Plaintiff objects to this request on the grounds that it is vague and ambiguous,  
21 including because it contains uncertain or undefined terms, such as “notes.” In addition,  
22 Plaintiff objects to this request to the extent it seeks information that is protected by  
23 Plaintiff’s right to privacy and the physician-patient and/or psychotherapist-patient  
24 privilege. Plaintiff further objects to the extent this request seeks an expert opinion and  
25 is, thus, premature. Without waiving these objections, Plaintiff responds as follows:

26 Plaintiff will produce relevant, non-privileged, responsive documents to the extent  
27 they exist and are located within Plaintiff’s custody, possession, or control after a  
28 reasonable search. Discovery is ongoing and Plaintiff reserves his right to supplement

1 above. Without waiving these objections, Plaintiff responds as follows:

2 Plaintiff will produce relevant, non-privileged, responsive documents to the extent  
3 they exist and are located within Plaintiff's custody, possession, or control after a  
4 reasonable search. Discovery is ongoing and Plaintiff reserves his right to supplement  
5 this response.

6  
7 Dated: July 26, 2023

Respectfully Submitted,

8 HADSELL STORMER RENICK & DAI LLP

9  
10 By:  

Dan Stormer

Hanna Chandoo

11 Attorneys for Plaintiffs JONATHAN PELTZ and  
12 KATHLEEN GALLAGHER  
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